

### REMARKS/ARGUMENTS

These remarks are offered in response to the Office Action of January 8, 2008 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Office is expressly authorized to charge any deficiencies, or credit any overpayments to Deposit Account 50-0951. Claims 1, 3-21, 23-30 and 32-44 are currently pending. No new matter has been added.

In the Office Action, Claims 1, 3-6, 8-14, 16, 17, 21, 23-30, and 32-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,549,612 to Gifford, *et al.* (hereinafter Gifford), in view of U.S. Patent 6,857,008 to Shenefiel (hereinafter Shenefiel), and further in view of U.S. Patent 5,937,160 to Davis, *et al.* (hereinafter Davis). Claims 1, 3-6, 8-14, 16, 17, 21, 23-30, and 32-40 include the feature of the voice communications being established only by way of accessing the selectable symbol in the e-mail message. Applicants respectfully point out that the combination of cited art does not disclose or suggest this feature and Gifford teaches away from this feature.

Gifford is directed towards a communication system that has an object of integrating at least two services (e.g., voicemail, facsimile and e-mail) and which "allow a user to be tracked via the telephone using the same user interface that controls voicemail, facsimile, and email." (Gifford col. 3, lines 9-11). To accomplish this objective, Gifford provides for sending an e-mail message that includes an active user interface:

The present invention sends an e-mail message including an active user interface to communicate with the unified communication services. This allows the recipient to not only listen and/or view the message, but also to respond to it through the interface. Using the features of the interface allows a subscriber to call or fax individuals and perform other functions directly from the interface within the e-mail. This method is quicker, easier, and more user friendly than known methods since it reduces the number of steps

the individual needs to go through in order to respond to the message and/or perform related tasks. By interacting with the interface rather than the message itself, the actual message can remain stored on the server and is only retrieved when the subscriber desires to view/listen to its contents. The retrieval of voice, fax, and video data stored on the server can be done using streaming technology such that the user can listen and/or view the message while it is being downloaded. (Gifford col. 2, lines 30-47)(emphasis added).

However, as emphasized in the passage above, it is the intent of Gifford to allow the e-mail messages to remain stored on the server while the interactive controls are utilized for communicating with the service. Gifford describes the use of HTML, WML or XML documents that are attached to the e-mail and which include "interaction controls" to provide the subscriber with the ability to interact with server side communication functions:

Accordingly, when a UC server sends an e-mail to a subscriber, the e-mail contains interaction controls (e.g., buttons or Universal Resource Links (URLs)) which give the subscriber the ability to interact with server side communication functions (e.g., perform conference calling and message retrieval). The interaction controls are sent with the e-mail as part of an HTML, WML or XML document which is attached to the e-mail (e.g., as a MIME attachment) in the form of a graphical user interface. The actual voice, fax, or video message is preferably stored on the server computer until the user requests it. On the other hand, a message can be attached to the e-mail so that it is downloaded with the HTML or WML document to the subscriber's computer. (Gifford col. 6, lines 25-37)(emphasis added).

As such, Gifford does not disclose or suggest the claimed feature of the voice communications being established only by way of accessing the selectable symbol in the e-mail message. Moreover, none of the other cited references, alone or in combination, teach or suggest the features lacking in Gifford and Gifford teaches away from the use of

such a feature. Shenefiel only retrieves files from a server. (See, e.g., Shenefiel, Col. 7, lines 19-60). Davis, which is cited only with respect to disclosing a binary representation, likewise fails to disclose those features lacking in the other references regarding establishing a voice communications link.

Claims 7, 15, and 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gifford, in view of Shenefiel and Davis, and further in view of U.S. Patent 5,937,162 to Funk, *et al.* (hereinafter Funk). Claims 7, 15 and 18-20 include the feature of the voice communications being established only by way of accessing the selectable symbol in the e-mail message. For the reasons described above, claims 7, 15 and 18-20 are patentable over this combination of art.

Claims 41-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,680,551 to Martino, II (hereinafter Martino) in view of Gifford and Davis. Claims 41-43 include the feature of the voice communications being established only by way of accessing the selectable symbol in the e-mail message. As described above, Gifford and Davis do not disclose this claimed feature and Gifford teaches away from it. Martino is directed towards heterogeneous connectivity in electronic messaging but as conceded in the Office Action, the reference does not disclose executable voice communications link program code.

Claim 44 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Gifford in view of Shenefiel and Martino, and in further view of Davis. Claim 44 includes the feature of the voice communications being established only by way of accessing the selectable icons in the e-mail. For the reasons described above, claim 44 is patentable over this combination of art.

**CONCLUSION**

Applicants believe that this application is now in full condition for allowance. Allowance is therefore respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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